HON'BLE SRI JUSTICE P.S. NARAYANA

W.P.No.23313 of 2007

Date : 30-11-2007

Between :

S.K.B.Aditya Lakshma Rao .. Petitioner

And

The Regional Joint Commissioner,
M.Z.III, Endowments Department,
Tilak Road, Hyderabad
and others ..
Respondents

HON'BLE SRI JUSTICE P.S. NARAYANA

W.P.No.23313 of 2007

ORDER:

1. Heard Sri T.L.K. Prasad, Counsel representing the writ petitioner and the learned Government Pleader for Endowments.

2. The Writ Petition is filed for a writ of mandamus directing the respondents to recognize the petitioner as the member of the Founder Family of Sri Venkateshwara Swamy Temple, Pentavelly Village, Kollapur Mandal, Mahaboobnagar District as per orders of the 1st respondent dated 12-10-2001 in Revision Petition No.2/2000 and to pass such other suitable orders.

3. It is averred that the petitioner filed Revision Petition before the 1st respondent challenging the order of 3rd respondent recognizing one Mr.J.Krishnaiah as the member of the Founder Family of Sri Venkateshwara Swamy Temple at Penttavelli village, Kollapur Mandal, Mahaboobnagar District by his proceedings in R.Dis.No.C/1894/96 dated 18-10-1996. It is also stated that J.Krishnaiah contested the matter in R.P.No.2/2000 and the 1st respondent disposed of the R.P. on merits on 12-10-2001. The 1st respondent while setting aside the order of the 3rd respondent in proceedings

R.Dis.No.C/1894/96 dated 18-10-1996 directed the 3rd respondent to recognize the petitioner as member of the Founder Family of Sri Venkateshwara Swamy temple, Penttavelli village, Kollapur Mandal, Mahaboobnagar District. Against the order of the 1st respondent the said J.Krishnaiah had not preferred appeal before the Government and therefore the order of the 1st respondent dated 12-10-2001 in R.P.No.2/2000 became final. Further, it is averred that the 3rd respondent had not complied the orders of the 1st respondent in R.P.No.2/2000 for several years for one reason or the other. It is also further stated that the petitioner made number of representations to the 3rd respondent to consider, but he did not consider the same. On 14-1-2005 and 6-5-2007 the petitioner sent two representations through his Counsel to the 1st respondent. Finally, the 3rd respondent directed the petitioner to submit proposals under Section 43 Register duly incorporating his name in the proposal. As such the petitioner filed proposals as per the said direction and obtained acknowledgement dated 25-5-2007. It is also further stated that in response to letter of the petitioner's Counsel dated 6-5-2007, the 3rd respondent by his letter R.C.No.A/2254/2005 dated 18-7-2007 addressed to the petitioner's Counsel admitted the direction of the 1st respondent and requested the Counsel for petitioner to file a petition before the competent authority for declaration of Founder Trustee of the subject

temple as per the Joint Commissioner's order. The 3rd respondent did not mention in his letter under what provision of Law he requested the petitioner's Counsel to approach the competent authority. It is further stated that after several years of the order he is not the authority to direct the petitioner to approach the competent authority and he is bound to obey the orders of the 1st respondent even if the Amending Legislation came into force. Further, it is stated that the petitioner filed his proposals through his Counsel to the 2nd respondent on 13-8-2007 as he had been empowered to recognize the Founder Family of any class of temples as per the recent Amendment to the A.P. Charitable and Hindu Religious Institutions and Endowments Act, for short "Act" for the purpose of convenience. Further it is stated that the 2nd respondent by his letter No.B2/4708/2007_1 dated 4-10-2007 informed the petitioner's Counsel that the directions of the 1st respondent are on the 3rd respondent and are not binding on him and further advised to approach the 1st respondent for non-compliance of the directions bearing on the letter issued by the 3rd respondent. It is further stated that for the last six years the respondents adopted red-tapism in spite of clear direction from the 1st respondent. It is the duty of the respondents interse to decide who is the competent authority to recognize the petitioner as the member of the Founder Family to Sri Venkateshwara Swamy Temple, Pentavelly as per the Act. In such circumstances, the writ petitioner

approached this Court.

4. As can be seen from the material available on record and also in the light of the decision in W.P.No.25598/2003 dated 9-12-2003, this Court is of the considered opinion that in the light of the Amending Legislation, Section 87(h) of the Act aforesaid, the concerned Deputy Commissioner alone would be entitled to decide this question. It is also needless to say that the writ petitioner is expected to make appropriate application as per the Rules governing the field before the 2nd respondent. Let the petitioner make such application in accordance with Law within a period of two weeks and let the 2nd respondent decide such application in view of the urgency pleaded before this Court, within a period of four weeks thereafter.

5. Accordingly, the Writ Petition is disposed of with the above directions. No order as to costs.

Justice
P.S.Narayana

Date : 30-11-2007

Note: Furnish copy in (3) days.
AM